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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,793	04/10/2001	Hans Kobschaetzky	10191/1726	1130

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EXAMINER

LAM, THANH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/762,793	Applicant(s) Kobschaetzky
Examiner Thanh Lam	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Amndt. filed on 5/15/2002
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 7-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Apr 10, 2001 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a snap-fit connection" in line 6 of claim 1, and the limitation "a spring tab" in lines 1-2 of claim 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Where are "the spring tab" and "snap fit connection" shown on the figures ? Even the specification depicted the features, but, the drawings still have to show features in numeral.

### ***Claim Objections***

2. Claim 7 is objected to because of the following informalities: a period is required for the end of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled

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in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The modified phrase "inaccessible bearing seat" is not described in the specification and drawings. ~~Why / How~~ is ~~The~~ the bearing being inserted within the bearing seat inaccessible?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7-8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rainer et al. (DE 4422492 A 1).

Rainer et al. disclose an electric motor comprising: a housing (4, fig. 2) having a bearing seat (an inner side of the tab 33); an armature shaft (7); and an armature-shaft bearing (32) situated in the bearing seat of the housing, the armature-shaft bearing being retained axially in the bearing seat by one of a detent and a snap-fit connection (35) and by a portion of the bearing seat.

Regarding claim 8, Rainer et al. disclose the housing further has a spring tab (33) with one of a detent and a snap projection (35) at a free end (spaced between the bearing 32 and winding 8).

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6. Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsushita et al. (USPN. 5,129,740)

Matsushita et al. disclose an electric motor comprising: a housing (1) having a bearing seat (3); an armature shaft (5); and an armature-shaft bearing (4) situated in the bearing seat of the housing, the armature-shaft bearing being fixed in position in the bearing seat by a tamping (6).

Regarding the subject matter "a tamping" of the claim 12, which is a process of forming the device is not germane to the issue of patentability of the device itself. Therefore, this subject matter has not been given patentable weight.

Regarding claim 13, it is noted that Matsushita et al. disclose the bearing is a plain bearing.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainer et al. in view of Mackay et al. (USPN. 5,485,044)

Rainer et al. disclose every aspect of the claimed invention except for a plain bearing.

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Mackay et al. disclose a plain bearing (70).

It would have been obvious to one of ordinary skill in  
made to replace the bearing of Rainer ~~by~~ <sup>with</sup> the plain bearing as  
provide ~~the~~ bearing with ease <sup>of assembly</sup> ~~to assembling~~.

Regarding claim 10, it is noted that Mackay et al. disclose the shaft has a worm (76, fig. 2) and armature windings (56), the worm being produced by reforming, the bearing being situated on the shaft between the worm and the windings.

Regarding claim 11, it is noted that Mackay disclose the housing further has a longitudinal-play stop at one end (74) face of the shaft, the stop being produced by reforming the housing, the stop limiting an axial play of the shaft, the axial play being set to a predetermined value (210) by the reforming of the housing.

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita et al. in view of Mackay et al.

Matsushita et al. disclose every aspect of the claimed invention except for the shaft has a worm and armature windings, the worm being produced by reforming, the bearing being situated on the shaft between the worm and the windings.

Mackay et al. disclose the shaft has a worm (76) and armature windings (56), a worm being produced by reforming, the bearing (70) being situated on the shaft between the worm and the windings.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shaft and rearrange the motor structure of Matsushita to accommodate the motor structure as taught by Mackay et al. in order to provide the motor with ease to assembly.

Regarding claim 15 it is noted that Mackay disclose the housing (38) further has a longitudinal-play stop (74) at one end face of a shaft, the stop being produced by reforming the housing, the stop limiting an axial play of the shaft, the axial play being set to a predetermined value (210) by the reforming of the housing.

***Response to Arguments***

9. Applicant's arguments filed on 5/15/2002 have been fully considered but they are not persuasive.

In response to applicant's argument on page 4, second and third paragraphs, that cited reference Rainer does not disclose anticipated the features cited in claims 7 and 8, the examiner submits that Rainer anticipated all the features as cited in claims 7-8 and 16 comprising armature shaft (7); and an armature-shaft bearing (32) situated in the bearing seat of the housing, the armature-shaft bearing being retained axially in the bearing seat by one of a detent and a snap-fit connection (35) and by a portion of the bearing seat.

Regarding claim 12, applicant's argument that Matsushita does not show a tamping. the examiner submits that Matsushita disclose a tamping (forming a groove 7 by a jig 6).

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***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

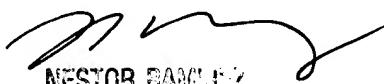
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

Thanh Lam

Patent Examiner

July 23, 2002

  
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